IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

JOSEPHINE GLASS,)
Plaintiff,)) 8:06CV558
vs.) ORDER
JANE DOE and)
NEBRASKA DEPARTMENT OF)
HEALTH AND HUMAN SERVICES,)
)
Defendants.)

This matter is before the court *sua sponte*.

The complaint was filed on August 22, 2006. **See** Filing No. 1. Pursuant to Federal Rule of Civil Procedure 4(m), the deadline for service of process expired on or about December 20, 2006. The record shows that no summons has been issued and there no proof of service of process on the defendants, by that time. The plaintiff was granted leave to proceed *in forma pauperis* on August 23, 2006. **See** Filing No. 7. On January 3, 2007, the court entered an order for the plaintiff to show cause why the case should not be dismissed for failure to effect summons or prosecute the matter. **See** Filing No. 8. In response, counsel for the plaintiff stated the plaintiff was attempting to attain other counsel, but could not do so without paying a large retainer. **See** Filing No. 9. Counsel agreed to continue to represent the plaintiff if the court allowed an extension of time to serve the defendants. *Id.* Accordingly, the court granted an additional sixty days, until March 19, 2007, to effect service. **See** Filing No. 10. No action was taken in the case until March 19, 2007, when counsel requested summons for the defendant Nebraska Department of Health and Human Services. The plaintiff failed to seek additional time to effect service and gives no explanation for the extended delay. Upon consideration,

IT IS ORDERED:

The plaintiff shall have to **on or before April 3, 2007**, to effect service of the summons and complaint upon the defendants or show cause why this case should not be dismissed as against the defendants for failure to timely effect service.

Dated this 20th day of March, 2007.

BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge